

To: Moon, Dave[Moon.Dave@epa.gov]; Laidlaw, Tina[Laidlaw.Tina@epa.gov]
Cc: Hilbrich, Sara[hilbrich.sara@epa.gov]; Fish, Tonya[Fish.Tonya@epa.gov]; Volk, Everett[volk.everett@epa.gov]
From: Goss, Heather
Sent: Thur 7/24/2014 9:06:04 PM
Subject: RE: nondeg language

Tina / Dave –

Ex. 5 - Deliberative Process / Attorney Client

Could you let me know where you are on this, and if you need HQ support at this time?

Thank you,

Heather Goss

Water Quality Standards Program

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From: Moon, Dave

Sent: Thursday, July 10, 2014 11:23 AM
To: Laidlaw, Tina; Goss, Heather
Cc: Hilbrich, Sara; Fish, Tonya; Volk, Everett
Subject: RE: nondeg language

Ex. 5 - Deliberative Process / Attorney Client

From: Laidlaw, Tina
Sent: Wednesday, July 09, 2014 4:16 PM
To: Goss, Heather
Cc: Hilbrich, Sara; Fish, Tonya; Volk, Everett; Moon, Dave
Subject: FW: nondeg language

Heather,

Ex. 5 - Deliberative Process / Attorney Client

MTDEQ plans to finalize this language tomorrow (my apologies for the short review time; we received the proposed language changes today). Please let me know if you have any questions or concerns with the proposed language changes so we can contact MTDEQ tomorrow.

Thanks for your prompt attention to this review request.

Tina

From: North, John [<mailto:jnorth@mt.gov>]

Sent: Wednesday, July 09, 2014 11:48 AM

To: Laidlaw, Tina

Subject: RE: nondeg language

Tina,

Here is the nondeg language we intend to propose:

17.30.715 CRITERIA FOR DETERMINING NONSIGNIFICANT CHANGES IN WATER QUALITY (1) The following criteria will be used to determine whether certain activities or classes of activities will result in nonsignificant changes in existing water quality due to their low potential to affect human health or the environment. These criteria consider the quantity and strength of the pollutant, the length of time the changes will occur, and the character of the pollutant. Except as provided in (2), changes in existing surface or ground water quality resulting from the activities that meet all the criteria listed below are nonsignificant, and are not required to undergo review under 75-5-303, MCA:

(a) and (b) remain as proposed.

(c) discharges containing toxic parameters, ~~inorganic nitrogen, or inorganic phosphorus, except as specified in (1)(d) and (e),~~ which will not cause changes that equal or exceed the trigger values in Department Circular DEQ-7. Whenever the change exceeds the trigger value, the change is not significant if the resulting concentration outside of a mixing zone designated by the department does not exceed 15% of the lowest applicable standard;

(d) through (e) remain as proposed.

(f) changes in the quality of water for any harmful parameter, including and parameters listed in Department Circular DEQ-12A, except as specified in (1)(g), for which water quality standards have been adopted other than carcinogenic, bioconcentrating, or toxic parameters, in either surface or ground water, if the changes outside of a mixing zone designated by the department are less than 10% of the applicable standard and the existing water quality level is less than 40% of the standard;

(g) for nutrients in domestic sewage effluent discharged from a septic system that does not require an MPDES or MGWPCS permit, except as specified in (1)(d) and (e), which will not cause changes that equal or exceed the trigger values in Department Circular DEQ-7. Whenever the change exceeds the trigger value, the change is not significant if the changes outside of a mixing zone designated by the department are less than 10% of the applicable standard and the existing water quality level is less than 40% of the standard;

(g) remain as proposed, but is renumbered (h).

(3) remains as proposed.

(4) If a court of competent jurisdiction declares 75-5-313, MCA, or any portion of that statute invalid, or if the United States Environmental Protection Agency disapproves 75-5-313, MCA, or any portion of that statute under 30 CFR 131.21, or if rules adopted pursuant to 75-5-313(6) or (7), MCA, expire and general variances are not available, then the significance criteria contained in (1)(g) are the significance criteria for total nitrogen and total phosphorus in surface water.

John

From: Laidlaw, Tina [<mailto:Laidlaw.Tina@epa.gov>]
Sent: Wednesday, July 09, 2014 10:45 AM
To: North, John
Subject: RE: nondeg language

Thanks!

From: North, John [<mailto:jnorth@mt.gov>]
Sent: Wednesday, July 09, 2014 10:32 AM
To: Laidlaw, Tina
Subject: RE: nondeg language

I have been working on it all morning and am close. I'll get it to you as soon as it's ready.

From: Laidlaw, Tina [<mailto:Laidlaw.Tina@epa.gov>]

Sent: Wednesday, July 09, 2014 10:28 AM

To: North, John; Suplee, Mike

Subject: nondeg language

Hey guys,

Thought I would check to see if you have any nondeg language that we could review before it's finalized?

Thanks!

Tina